



Shoosmiths Court of Protection

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About us

We are a close knit, caring team, and a force to be reckoned with in terms of client service, expertise and our commitment to enhancing the lives of clients. Known for our honest, flexible and compassionate approach, we are not afraid to place the values and beliefs of the individual at the centre of decision making.

With significant experience in Court of Protection, property and financial affairs, mental capacity and personal injury trust cases, the team includes two Office of the Public Guardian panel deputies. We also have a trust corporation which can act as a professional deputy or trustee.



Extremely knowledgeable team when dealing with clients and families who have suffered serious and catastrophic injuries. The lawyers take a very person-centred approach and include the views and opinions of those around the client in their decision making”

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Our services

- Advice and assistance on complex mental capacity assessment and best interests decision making
- Appointment of property and financial affairs deputies
- Advising on and drafting personal injury trusts for adults and children
- Shoosmiths Trust Corporation acts as a professional deputy or trustee
- Specialist service for VIPs and celebrities
- Expert witness reports on deputyship and professional trustee costs
- Engagement and management of case managers, support workers, carers and other therapists, with bespoke employment advice from in-house specialists
- Advice on and representation in Court of Protection proceedings
- Sale, purchase and adaptation of property, including high value adaptations
- Support for clients where no or very little English is spoken
- Appointment of welfare deputies
- Management of the affairs of clients who have powers of attorney
- Statutory wills
- Lifetime gifts
- Benefits advice for those under the Court of Protection
- Managing local authority direct payments
- Entitlement to local authority, NHS and other public funding
- Seeking appropriate investment advice
- Completion of annual tax return
- Completion of annual deputyship reports



The Court of Protection

Dealing with the Court of Protection can be time-consuming and stressful, especially when the family is also trying to provide care and deal with the stress of litigation. Appointing an experienced professional deputy can prove invaluable in getting the best legal advice for the person lacking capacity and their family.

Having a professional deputy should also give the person lacking capacity, and their families, complete confidence that their affairs will be handled properly. Any court-appointed deputy is obliged to maintain a high standard of care when making decisions.

A professional deputy is independent of the person lacking capacity and is able to make difficult decisions that a family-appointed deputy may be uncomfortable making, such as accommodation needs or refusing a request for money if it would not be in the person's best interests to grant the request.

We can help to lighten the administrative burden by handling completion of Court of Protection forms, preparation of annual accounts and liaising with third parties (case managers, care workers, financial advisors, etc). We also ensure that funds are properly invested and managed after settlement and take care of the procedures for other applications, such as property purchases or applying to make a statutory will.

As a professional deputy, we will always maintain a personal relationship with our clients and their families whilst remaining professional. Our ability to balance the emotive nature of this work, the needs of our clients and the specific requirements of the Court means that we can arrange swift and effective progress in even the most sensitive and complex of cases. We have gained a reputation for providing the highest quality Court of Protection and associated legal services.

Litigation support and experts' reports

We advise on the appropriateness of applications to appoint a deputy or create a personal injury trust on both personal injury and clinical negligence claims for adults and children. We can make the deputyship application or draft the trust, and Shoosmiths Trust Corporation can act as professional deputy or trustee.

We always work with the litigator to formulate a plan as to how any interim payments should be applied in order to meet the client's needs and advance the litigation. We report regularly to the litigator about progress made, issues that arise, and expenditure against budget. We can supply statements to be used in support of interim payment requests or applications. Our team has extensive experience of the litigation process and evidential requirements, and we consider ourselves to be part of the litigation team, working towards the same outcomes for clients.

We provide independent experts' reports for personal injury and clinical negligence solicitors concerning the likely future Court of Protection and deputyship costs that may be incurred on behalf of clients who lack mental capacity as a result of their injury.



The Court of Protection team is dynamic and close knit. It is quick to respond to issues that arise and always strives to get the best for the client. The lawyers know each other's cases and I can be confident that even if one solicitor is not available there will be someone who can assist and provide advice"

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Client focused, approachable, sound understanding of the individual client's needs and difficulties"

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Personal injury trust

We can draft and advise on personal injury trusts and act as a professional trustee.

The type of trust used does not generally matter from a benefits point of view, but there can be significant tax and other consequences. If the trust contains money that is paid as a result of a personal injury, it will be considered a personal injury trust.

An adult must have mental capacity to create a trust, if not the trust must be authorised by the litigation court or Court of Protection. For minors, the authority of the litigation court or Court of Protection is always required to settle the money into a trust.

Most commonly the trust will be a bare trust. Adults with capacity will generally have the power to determine the trust and receive all the trust capital outright; for children this usually happens when they reach the age of 18 and attain full financial capacity.

For children with ongoing litigation who either will attain capacity at 18, or where it is unclear whether they will, trustees can manage the money for the child's benefit to pay for ongoing needs. This is virtually impossible through the alternative option of placing money into the Court Funds Office.

Our team

Please contact any of these senior members of the team for advice or assistance



Sue Bowler

Partner

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Sue is a partner and national head of the Court of Protection team. She has over 25 years' experience supporting clients who have suffered serious injuries and disabilities, particularly clients who have serious brain injuries or who lack mental capacity.



Lucy Taylor

Partner

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Lucy has specialised in Court of Protection work since 2009. She provides wide-ranging and holistic advice to her clients, ensuring that they are well placed to continue with their lives after loss of capacity.



Rebecca Bristow

Senior Associate

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Rebecca is a Court of Protection specialist with a focus on property and financial affairs, with expertise in deputyship applications, all aspects of ongoing management, statutory will and gift applications and preparation and management of personal injury trusts.



Tricia Grout

Principal Associate (FCILEx)

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Tricia acts for clients who have suffered catastrophic injuries, including traumatic brain injury at birth, as well as elderly clients who have been diagnosed with dementia. She works with professional and lay deputies on issues of property and financial affairs and undertakes Court of Protection applications.

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